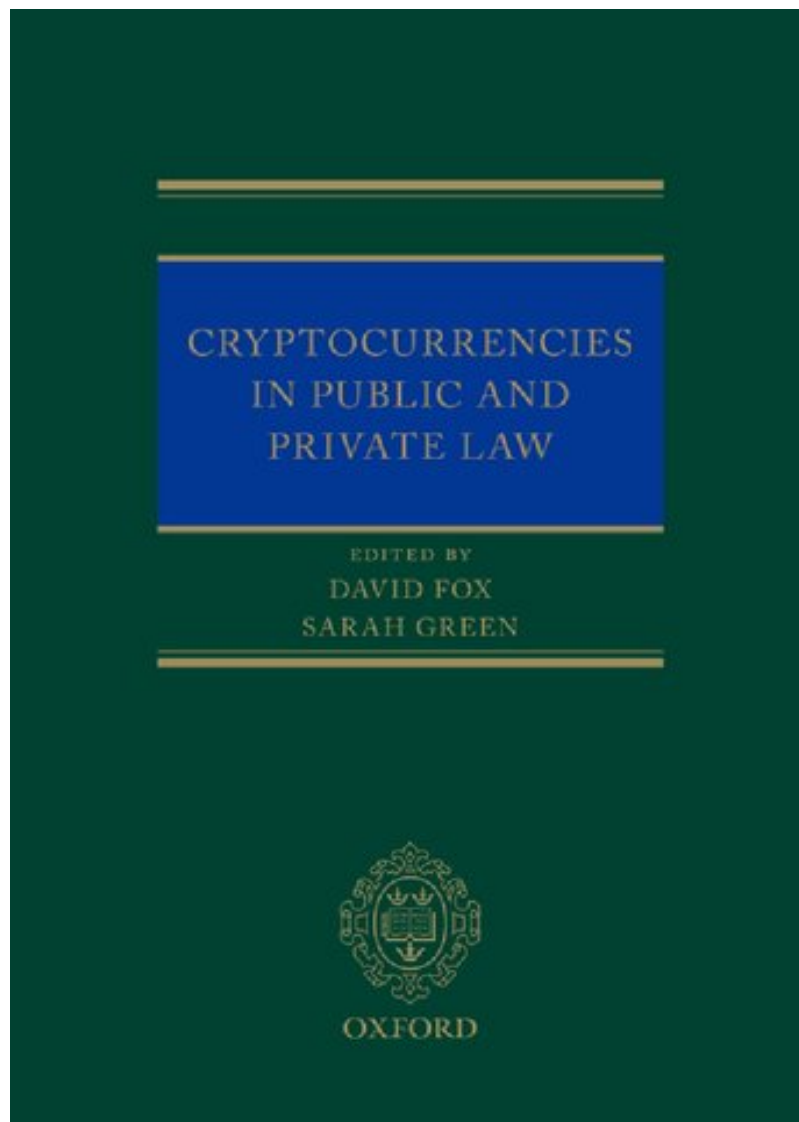


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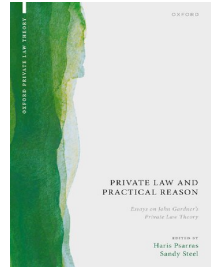


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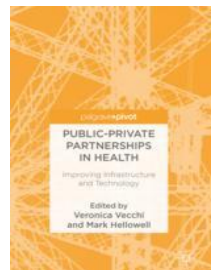
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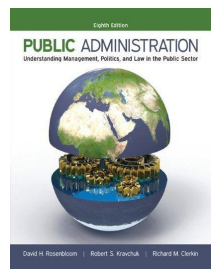
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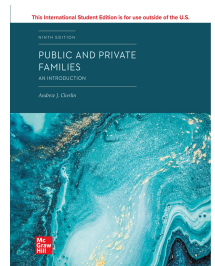
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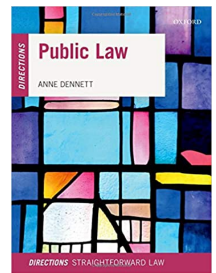
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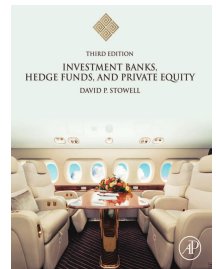
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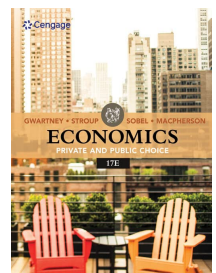
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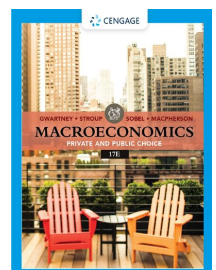
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CRYPTOCURRENCIES  
IN PUBLIC AND  
PRIVATE LAW

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EDITED BY  
DAVID FOX  
SARAH GREEN

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OXFORD

CRYPTOCURRENCIES IN PUBLIC  
AND PRIVATE LAW



# CRYPTOCURRENCIES IN PUBLIC AND PRIVATE LAW

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## FOREWORD

Money has been with us for a long time.<sup>1</sup> However it was only in 1938 that the first full-scale English law analysis of ‘money’ was published with FA Mann’s magisterial work *The Legal Aspects of Money*.<sup>2</sup> Cryptocurrencies burst onto the public consciousness as late as 2009 when the programmer(s)<sup>3</sup> Satoshi Nakamoto launched the technology that enabled the public to trade in ‘Bitcoins’, which remains the best known of the many thousands of alternative cryptocurrencies that are traded today. Happily we have not had to wait nearly so long to have a detailed guide to the legal aspects of cryptocurrencies with the publication of the present volume.

What are cryptocurrencies? My working description is that they are digital or virtual assets that use high-level cryptography through a decentralized system for trading purposes and to keep those assets secure. Cryptocurrencies are not organized by any nation State and they are largely outside state control for the present. They represent a revolutionary new way to create and guard an ‘asset’ and to make payments for other assets. The advocates of cryptocurrencies argue that they have emerged as a result of a growing distrust or cynicism in so-called ‘trusted third party’ financial institutions, following the apparent inability of banks and even States worldwide to master the financial crisis of 2008. Financial institutions, thought to be sound and trustworthy, failed, or were only saved at a huge cost to tax payers. Many individuals lost personal assets during or after the crisis. Since then ‘centralized’ and so-called ‘trusted’ third parties, whether banks, credit agencies, or social media networks or companies, have had millions of peoples’ personal data stolen from them by internet hackers. The use of cryptocurrencies, cutting out ‘the middleman’ and using high-standard cryptography for security, is a reaction to all these events. They enable people to transfer assets directly between two people without any need for a ‘trusted’ third party like a bank. It is even argued that cryptocurrency technology enables those who have no access to banks of similar institutions to have financial freedom, so that cryptocurrencies enable everyone to ‘take back control’ of their money or assets.

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<sup>1</sup> ‘A feast is made for laughter and wine maketh merry: but money answereth all things.’: *Ecclesiastes*, 10:19.

<sup>2</sup> 7th edition published in 2012. It is now edited by Dr Charles Proctor, one of the contributors to the present volume.

<sup>3</sup> It is not known whether the ‘programmer’ was one person or a group of people.

It is estimated that the total value of all cryptocurrencies in the world today is in the region of US\$350 billion, although this figure fluctuates rapidly. The daily sale and purchase of cryptocurrencies is about US\$17 billion. They seem likely to be an increasingly important part of the worldwide financial scene, despite attempts by several States, including China, to ban or restrict their use.

The huge growth in the use of cryptocurrencies requires lawyers to tackle the issues of how they fit into legal frameworks. Although there have been a large number of articles and reports about different legal issues thrown up by cryptocurrencies, this is the first volume that makes a national, international, and comparative law study of the many difficult legal challenges that cryptocurrencies present. The most basic question for any system of law which encounters a cryptocurrency, whether it be municipal or international, or private or public law, is how a cryptocurrency to be characterized. Is it to be treated, for legal analysis, as being equivalent to 'money', or is it an 'asset', or what English law calls a 'chose (or thing) in action' or some other form of property? Depending on the answer to that question, issues about the nature of ownership, possession, and other possible legal (or equitable) rights in cryptocurrencies can then be analysed. Given that cryptocurrencies are virtual and that anyone anywhere in the world who has access to the necessary cryptographic keys and a computer can trade in them, it is obvious that cross-border legal issues such as how to decide which courts have jurisdiction in any dispute and which is the applicable law will be of fundamental importance. Although the originators of cryptocurrencies and many of its users would like to imagine that they are outside national and international regulatory control and the criminal law, that cannot be so. So the way the regulatory and criminal law deals with them also needs attention. So do issues of whether or how cryptocurrencies and trading in them or with them might be taxed. On a more philosophical and sociological level it is also pertinent to enquire into whether, if cryptocurrencies are not state-backed currencies or assets, they fulfil some kind of 'community currency' role and if so, what are the legal consequences of that?

The meteoric rise in the use of cryptocurrencies necessitates that all these difficult legal and sociological questions be urgently examined. This book does so. It is not confined to English law, nor even European legal systems, but considers the problems from the viewpoint of Asian law systems as well. The distinguished authors, all specialists in the topics they address in each of the ten substantive chapters, explain the problems and suggest solutions in a clear and concise way. For any lawyer, like me, who is having to grapple with the legal aspects of cryptocurrencies for the first time, this book is a godsend. And for those who are not tyros, the deep and careful analyses that are given in each chapter will provide answers to problems or leads to further study.

This book is very timely and I warmly welcome it.

Richard Aikens

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# Exploring the Variety of Random Documents with Different Content

number, and rose to a great height in a bouquet of splendour. And all at once, as if some miraculous sun had risen, an intense dawn burst over everything, casting a great glare upon the furnace, and throwing a glow as of sunshine upward to the roof of the hall, whose every girder and joist showed forth distinctly. The neighbouring buildings, the monster's various organs, sprang out of the darkness, together with the men of the night-shift, hitherto so phantom-like and now so real, outlined with an energy and splendour never to be forgotten, as if, obscure heroes of toil that they were, they suddenly found themselves enveloped by a nimbus of glory. And the great glow spread to all the surroundings, conjured the huge ridge of the Bleuse Mountains out of the darkness, threw reflections even upon the sleeping roofs of Beauclair, and died away at last in the distance far over the great plain of La Roumagne.

'It is superb,' said Jordan, studying the quality of the metal by the colour and limpidity of the flow.

Morfain took his triumph modestly. 'Yes, yes, Monsieur Jordan,' said he, 'it's good work, such as we ought to turn out. All the same, I'm glad you came to have a look. You won't feel anxious now.'

Luc also was taking an interest in the proceedings. So great was the heat that he felt his skin tingling through his clothes. Little by little all the moulds had been filled, and the sandy hall was now changed into an incandescent sea. And when the ten tons of liquid metal had all poured forth, a final tempest, a huge rush of flames and sparks, came from the cavity. The blowing-apparatus was emptying the crucible, the blast sweeping through it in all freedom like some hurricane of hell. But the pigs were now growing cold, their blinding white light became pink, next red, and then brown. The sparks, too, ceased to rise, the field of azure cornflowers and golden wheat-ears was reaped. Then gloom swiftly fell once more, blotting out the hall and the furnace and all the adjoining buildings, whilst it seemed as if the lanterns had been lighted up afresh. And of the workmen one could again only distinguish some vague figures actively bestirring themselves—they were those of Petit-Da and two of his mates, who were again plugging the tap-hole with refractory

clay, amidst the silence which was now deeper than ever, for the blast machinery had been stopped to permit of this work being performed.

'I say, Morfain, my good fellow,' Jordan suddenly resumed, 'you will go home to bed, won't you?'

'Oh! no, I must spend the night here,' the man answered.

'What! you mean to stay, and pass a third sleepless night here?'

'Oh! there's a camp bedstead in the watch-house, Monsieur Jordan, and one sleeps very well on it. We'll relieve each other, my son and I; we'll each do two hours' sentry duty in turn.'

'But that's useless, since things are now all right again,' Jordan retorted. 'Come, be reasonable, Morfain, and go and sleep at home.'

'No, no, Monsieur Jordan, let me do as I wish. There's no more danger, but I want to make sure how things go until to-morrow. It will please me to do so.'

Thus Jordan and Luc, after shaking hands with him, had to leave him there. And Luc felt extremely moved, for Morfain had left on him an impression of great loftiness in which met long years of painful and docile labour, all the nobility of the crushing toil which mankind had undertaken in the hope of attaining to rest and happiness. It had all begun with the ancient Vulcans, who had subjugated fire in those heroic times which Jordan had recalled, when the first smelters had reduced their ore in a pit dug in the earth, in which they lighted wood. It was on that day, the day when man first conquered iron and fashioned it, that he became the master of the world, and that the era of civilisation first began. Morfain, dwelling in his rocky cave, and for whom nothing existed apart from the difficulties and the glory of his calling, seemed to Luc like some direct descendant of those primitive toilers, whose far-off characteristics still lived by force of heredity in him, silent and resigned as he was, giving all the strength of his muscles without ever a murmur, even as his predecessors had done at the dawn of human society. Ah! how much perspiration had streamed forth and how many arms had toiled to the point of exhaustion during

thousands and thousands of years! And yet nothing changed—fire, if conquered, still made its victims, still had its slaves, those who fed it, those who scorched their blood in subjugating it, whilst the privileged ones of the earth lived in idleness, in homes which were fresh and cool! Morfain, like some legendary hero, did not seem even to suspect the existence of all the monstrous iniquity around him; he was ignorant of rebellion, of the storm growling afar; he remained quite impassive at his deadly post, there where his sires had died and where he himself would die. And Luc also conjured up another figure, that of Bonnaire, another hero of labour, one who struggled against the oppressors, the exploiters, in order that justice might at last reign; and who devoted himself to his comrades' cause even to the point of giving up his daily bread. Had not all those suffering men groaned long enough beneath their burdens, and, however admirable might be their toil, had not the hour struck for the deliverance of the slaves in order that they might at last become free citizens in a fraternal community, amidst which peace would spring from a just apportionment of labour and wealth?

However, as Jordan, whilst descending the steps cut in the rock, stopped before a night-watchman's hut to give an order, an unexpected sight met Luc's eyes and brought his emotion to a climax. Behind some bushes, amidst some scattered rocks, he distinctly saw two shadowy forms passing. Their arms encircled each other's waist and their lips were meeting in a kiss. Luc readily recognised the girl, so tall she was, so fair and so superb. She was none other than Ma-Bleue, the maid whose great blue eyes seemed to fill her face. And the lad must assuredly be Achille Gourier, the mayor's son, that proud and handsome youth whose demeanour he, Luc, had noticed at La Guerdache—that demeanour so expressive of contempt for the rotting *bourgeoisie* of which he was one of the revolting sons. Ever shooting, fishing, and roaming, he spent his holidays among the steep paths of the Bleuse Mountains, beside the torrents or deep in the pine woods. And doubtless he had fallen in love with that beautiful, shy, wild girl, around whom so many admirers prowled in vain. She, on her side, must have been

conquered by the advent of that Prince Charming, who brought her something that was beyond her sphere, who set all the delightful dreams of to-morrow amidst the sternness of that desert. To-morrow! to-morrow! Was it not that which dawned in Ma-Bleue's blue eyes, when, with her gaze wandering far away, she stood so thoughtful on the threshold of her mountain cave? Her father and her brother were watching over their work up yonder, and she had escaped down the precipitous paths. And for her to-morrow meant that tall, loving lad, that *bourgeois* stripling, who spoke to her so prettily as if she had been a lady, and vowed that he would love her for ever.

At first, amidst his amazement, Luc felt a heart-pang at the thought of how grieved the father would be should he hear of that sweethearting. Then a tender feeling took possession of the young man's heart, a caressing breath of hope came to him at the sight of that free and gentle love. Were not those children, who belonged to such different classes, preparing amidst their play, their kisses, the advent of the happier morrow, the great reconciliation which would at last lead to the reign of justice?

Down below, when Luc and Jordan reached the park, they exchanged a few more words.

'You haven't caught cold, I hope?' said the young man to his friend. 'Your sister would never forgive me, you know.'

'No, no, I feel quite well. And I am going to bed in the best of spirits, for I've quite made up my mind. I intend to rid myself of that enterprise, since it does not interest me, and proves such a constant source of worry.'

For a moment Luc remained silent, for uneasiness had returned to him, as if, indeed, he were frightened by Jordan's decision. However, as he left his friend he said, shaking his hand for the last time, 'No, wait, give me to-morrow to think the matter over. We will have another talk in the evening, and afterwards you shall come to a decision.'

Then they parted for the night. Luc did not go to bed immediately. He occupied—in the pavilion formerly erected for Dr. Michon, Jordan's maternal grandfather—the spacious room where the doctor had spent his last years among his books; and during the three days that he had occupied this chamber the young man had grown fond of the pleasantness, peacefulness, and odour of work that filled it. That evening, however, the fever of doubt, by which he was possessed, oppressed him, and throwing one of the windows wide open he leant out, hoping in this wise to calm himself a little before he went to bed. The window overlooked the road leading from La Crêcherie to Beauclair. In front spread some uncultivated fields strewn with rocks, and beyond them one could distinguish the jumbled roofs of the sleeping town.

For a few minutes Luc remained inhaling the gusts of air which arose from the great plain of La Roumagne. The night was warm and moist, and athwart a slight haze a bluish light descended from the starry sky. Luc listened to the distant sounds with which the night quivered; and before long he recognised the dull, rhythmical blows of the hammers of the Abyss, that Cyclopean forge whence day and night alike there came a clang of steel. Then he raised his eyes and sought the black, silent smeltery of La Crêcherie, but it was now mingled with the inky bar which the promontory of the Bleuse Mountains set against the sky. Lowering his eyes he at last directed them upon the close-set roofs of the town, whose heavy slumber seemed to be cradled by the rhythmic blows of the hammers—those blows which suggested the quick and difficult breathing of some giant worker, some pain-racked Prometheus, chained to eternal toil. And Luc's feeling of uneasiness was increased by it all; he could not quiet his fever; the people and the things that he had beheld during those last three days crowded upon his mind, passed before him in a tragic scramble, the sense of which he strove to divine. And the problem which possessed his spirit now tortured him more than ever. Assuredly he would be unable to sleep until he found a means of solving it.



But down below his window, across the road, amongst the bushes and the rocks, he suddenly heard a fresh sound, something so light, so faint, that he could not tell what it might be. Was it the beating of a bird's wings, the rustle of an insect among some leaves? Luc gazed down, and could see nothing save the swelling darkness that spread far, far away. No doubt he had been mistaken. But the sounds reached his ears again, and even seemed to come nearer. Interested by them, seized with a strange emotion which astonished him, he again strove to penetrate the darkness, and at last he distinguished a vague, light, delicate form which seemed to float over the grass. And still he was unable to tell what that form might be, and was willing to believe himself the victim of some delusion, when, with a nimble spring like that of some wild goat, a woman crossed the road and lightly threw him a little nosegay, which brushed against his face like a caress. It was a little bunch of mountain pansies, just gathered among the rocks, and of such powerful aroma, that he was quite perfumed by it.

Josine!—he divined that it was she, he recognised her by that fresh sign of her heart's thankfulness, by that adorable gesture of infinite gratitude! And it all seemed to him exquisite in that dimness, at that late hour, though he could not tell how she had happened to be there, whether she had been watching for his return, and how she could have contrived to come, unless indeed Ragu were working at a night-shift. Without a word, having had no other desire than that of expressing her feelings by the gift of those flowers, which she had so lightly thrown him, she was already fleeing, disappearing into the darkness spread over the uncultivated moor; and only then did Luc distinguish another and a smaller form, that assuredly of Nanet, bounding along near her. They both vanished, and then he again heard nought save the hammers of the Abyss, ever rhythmically beating in the distance. His torment was not passed, but his heart had been warmed by a glow which seemed to bring him invincible strength. It was with rapture that he inhaled the little nosegay. Ah! the power of kindness, which is the bond of brotherhood, the power of tenderness, by which alone happiness is

created, the power of love, which will save and make the world  
anew!

[1] It may be presumed that M. Zola means centigrade degrees.—  
*Trans.*

[2] The meaning is 'Little Dolt,' 'Da' being a contraction of  
'Dadais.'—*Trans.*

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## V

Luc went to bed and put out the light, hoping that his weariness of mind and body would bring him sound and refreshing sleep, in which his fever would at last be dispelled. But when the large room sank into silence and obscurity around him he found himself quite unable to close his eyes—they stared into the darkness, and terrible insomnia kept him burning hot, still a prey to his one obstinate, all-consuming idea.

Josine was ever rising before him, coming back again and again with her childish face and doleful charm. He once more saw her in tears, standing, full of terror, as she waited near the gate of the Abyss; he again saw her standing in the wine-shop, then thrown into the street by Ragu in so brutal a fashion that blood gushed from her maimed hand; and he saw her too on the bench near the Mionne, forsaken amidst the tragic night, satisfying her hunger like some poor wandering animal, and having no prospect before her save a final tumble into the gutter. And now, after those three days of unexpected, almost unconscious inquiry, to which destiny had led him, all that he, Luc, had beheld of unjustly apportioned toil—toil derided as if it were shame, toil conducting to the most atrocious misery for the vast majority of mankind, became in his eyes synthetised in the distressing case of that sorry girl whose misfortunes wrung his heart.

Visions arose, thronging around him, pressing forward, haunting him to the point of torture. He beheld terror careering through the black streets of Beauclair, along which tramped all the disinherited

wretches, secretly dreaming of vengeance. He saw reasoned, organised, and fatal revolution dawning in such homes as the Bonnairs' cold, bare, sorry rooms, where even the mere necessities of life were wanting, where lack of work compelled the toiler to tighten his waistband, and left the family starving. And, on the other hand, he beheld at La Guerdache all the insolence of corrupting luxury, all the poisonous enjoyment which was finishing off the privileged plutocrats, that handful of *bourgeois* satiated with idleness, gorged to stifling point with all the iniquitous wealth which they stole from the labour and the tears of the immense majority of the workers. And even at La Crêcherie, that wildly lofty blast-furnace, where not one worker complained, the long efforts of mankind were stricken, so to say, by a curse, immobilised in eternal dolour, without hope of any complete freeing of the race, of its final deliverance from slavery, and the entry of one and all into the city of justice and peace. And Luc had seen and heard Beauclair cracking upon all sides, for the fratricidal warfare was not waged only between classes, its destructive ferment was perverting families, a blast of folly and hatred was sweeping by, filling every heart with bitterness. Monstrous dramas soiled homes that should have been cleanly, fathers, mothers, and children alike rolled into the sewers. Folk lied unceasingly, they stole, they killed. And at the end of wretchedness and hunger came crime perforce: woman selling herself, man sinking to drink, all human kind becoming a rageful beast that rushed along intent solely upon satisfying its vices. Many were the frightful signs that announced the inevitable catastrophe; the old social framework was about to topple down amidst blood and mire.

Horror-stricken by those visions of shame and chastisement, weeping with all the human tenderness within him, Luc then again saw the pale phantom of Josine returning from the depths of the darkness and stretching out arms of entreaty. And then, in his fancy, none but her remained; it was upon her that the worm-eaten, leprous edifice would fall. She became, as it were, the one victim, she, the puny little workgirl with the maimed hand, who was

starving and who would roll into the gutter, a pitiable yet charming creature, in whom seemed to be embodied all the misery that arose from the accursed wage-system. He now suffered as she must suffer, and, above all else, in his wild dream of saving Beauclair there was a craving to save her. If some superhuman power had made him almighty he would have transformed that town, now rotted by egotism, into a happy abode of solidarity, in order that she might be happy. He realised at present that this dream of his was an old one, that it had always possessed him since the days when he had lived in one of the poor quarters of Paris, among the obscure heroes and the dolorous victims of labour. It was a dream into which entered secret disquietude respecting the future, that future which he dared not predict, and an idea that some mysterious mission had been confided to him. And all at once, amidst the confusion in which he still struggled, it seemed to him that the decisive hour had come. Josine was starving, Josine was sobbing, and that could be allowed no longer. He must act, he must at once relieve all the misery and all the suffering, in order that things so iniquitous might cease.

Weary as he was, however, he at last fell into a doze, in the midst of which it seemed as if voices were calling him. Thus before long he awoke with a start, and then the voices seemed to gather strength, as if wildly summoning him to that urgent work for which the hour had struck, and the imperious need of which he fully recognised, though how to accomplish it he could not tell. And above all other appeals, he finally heard the call of a very gentle voice, which he recognised—the voice of Josine, lamenting and entreating. From that moment again she alone seemed to be present, he could feel the warm caress of the kiss which she had set upon his hand, and could smell the little bunch of pansies which she had thrown him as he stood at the window. Indeed, the wild fragrance of the flowers now seemed to fill the whole room. Then he struggled no longer. He lighted his candle, rose, and for a few minutes walked about the room. In order to rid his brain of the fixed idea which oppressed it he strove to think of nothing. He looked at the few old engravings hanging from the walls, he looked at the old-fashioned articles of

furniture which spoke of Doctor Michon's simple and studious habits, he gazed around the whole room, in which a deal of kindness, good sense, and wisdom seemed to have lingered. At last his attention became riveted on the bookcase. It was a rather large one, with glass doors, and therein the former Saint-Simonian and Fourierist had gathered together the humanitarian writings which had fired his mind in youth. All the social philosophers, all the precursors, all the apostles of the new Gospel figured there: Saint-Simon, Fourier, Auguste Comte, Proudhon, Cabet, Pierre Leroux, with others and others—indeed, a complete collection, down to the most obscure disciples. And Luc, candle in hand, read the names and titles on the backs of the volumes, counted them, and grew astonished at their number, at the fact that so much good seed should have been cast to the winds, that so many good words should be slumbering there, waiting for the harvest.

He himself had read widely, he was well acquainted with the chief passages of most of those books. The philosophical, economical, and social systems of their authors were familiar to him. But never as now, on finding these authors all united there in a serried phalanx, had he been so clearly conscious of their force, their value, the human evolution which they typified. They formed, so to say, the advance guard of the future century, an advance guard soon to be followed by the huge army of the nations. And on seeing them thus, side by side, peaceably mingling together, endowed by union with sovereign strength, Luc was particularly struck by their intense brotherliness. He was not ignorant of the contradictory views which had formerly parted them, of the desperate battles even which they had waged together, but they now seemed to have become all brothers, reconciled in a common Gospel, in the unique and final truths which all of them had brought. And that which arose from their words like a dawning promise was that religion of humanity in which they had all believed, their love for the disinherited ones of the world, their hatred of all social injustice, their faith in Work as the true saviour of mankind.

Opening the bookcase, Luc wished to select one of the volumes. Since he was unable to sleep, he would read a few pages, and thus take patience until slumber should come to him. He hesitated for a moment, and at last selected a very little volume, in which one of Fourier's disciples had summed up the whole of his master's work. The title 'Solidarité' had moved the young man. Would he not find in that book a few pages brimful of strength and hope such as he needed? Thus, he slipped into bed again, and began to read. And soon he became as passionately interested in his reading as if he had before him some poignant drama in which the fate of the whole human race was decided. The author's doctrines thus condensed, reduced to the very essence of the truths they contained, acquired extraordinary power. Fourier's genius had in the first place asserted itself in turning the passions of man into the very forces of life. The long and disastrous error of Catholicism had lain in ever seeking to muzzle the passions, in striving to kill the man within man, to fling him like a slave at the foot of a deity of tyranny and nothingness. In the free future society conceived by Fourier the passions were to produce as much good as they had produced evil in the chained and terrorised society of the dead centuries. They constituted immortal desire, the energy which raises worlds, the internal furnace of will and strength which imparts to each being the power to act. Man deprived of a single passion would be mutilated, as if he were deprived of one of his senses. Instincts, hitherto thrust back and crushed, as if they were evil beasts, would when once they were freed become only the various needs of universal attraction, all tending towards unity, striving amidst obstacles to meet and mingle in final harmony, that ultimate expression of universal happiness. And there were really no egotists, no idlers; there were only men hungering for unity and harmony, who would march on in all brotherliness as soon as they should see that the road was wide enough for all to pass along it at ease and happily. As for the victims of the heavy servitude that oppressed the manual toilers who were angered by unjust, excessive, and often inappropriate tasks, they would all be ready to work right joyfully as soon as simply their

logical chosen share of the great common labour should be allotted to them.

Then another stroke of genius on Fourier's part was the restoration of work to a position of honour, by making it the public function, the pride, health, gaiety, and very law of life. It would suffice to reorganise work in order to reorganise the whole of society, of which work would be the one civic obligation, the vital rule. There would be no further question of brutally imposing work on vanquished men, mercenaries crushed down and treated like famished beasts of burden; on the contrary, work would be freely accepted by all, allotted according to tastes and natures, performed during the few hours that might be indispensable, and constantly varied according to the choice of the voluntary toilers. A town would become an immense hive in which there would not be one idler, and in which each citizen would contribute his share towards the general sum of labour which might be necessary for the town to live. The tendency towards unity and final harmony would draw the inhabitants together and compel them to group themselves among the various series of workers. And the whole mechanism would rest in that: the workman choosing the task which he could perform most joyously, not riveted for ever to one and the same calling, but passing from one form of work to another. Moreover, the world would not be revolutionised all of a sudden, the beginnings would be small, the system being tried first of all in some township of a few thousand souls. The dream would then approach fulfilment, the phalange, the unit at the base of the great human army would be created; the phalanstery, the common house, would be built. At first, too, one would simply appeal to willing men, and link them together in such wise as to form an association of capital, work, and talent. Those who now possessed money, those whose arms were strong, and those who had brains would be asked to come to an understanding and combine, putting their various means together. They would produce with an energy and an abundance far greater than now, and they would divide the profits they reaped as equitably as possible, until the day came when capital, work, and talent might



be blended together and form the common patrimony of a free brotherhood, in which everything would belong to everybody amidst general harmony.

At each page of the little book which Luc was reading the loving splendour of its title 'Solidarité' became more and more apparent. Certain phrases shone forth like beacon-fires. Man's reason was infallible; truth was absolute; a truth demonstrated by science became irrevocable, eternal. Work was to be a festival. Each man's happiness would some day rest in the happiness of others. Neither envy nor hatred would be left when room was at last found in the world for the happiness of one and all. In the social machine, all intermediaries that were useless and led to a waste of strength would be suppressed; thus commerce, as it is now understood, would be condemned, and the consumer would deal with the producer. All parasitic growths, the innumerable vegetations living upon social corruption, upon the permanent state of war in which men now languish, would be mown down. There would be no more armies, no more courts of law, no more prisons! And, above all, amidst the great Dawn which would thus have risen, there would appear Justice flaming like the sun, driving away misery, giving to each being that was born the right to live and partake of daily bread, and allotting to one and all his or her due share of happiness.

Luc had ceased reading: he was reflecting now. The whole great, heroic Nineteenth Century spread out before his mind's eye, with its continuous battling, its dolorous, valiant efforts to attain to truth and justice. The irresistible democratic advance, the rise of the masses filled that century from end to end. The Revolution at the end of the previous one had brought only the middle classes to power; another century was needed for the evolution to become complete, for the people to obtain its share of influence. Seeds germinated, however, in the old and often ploughed monarchical soil; and already during the days of '48 the question of the wage-system was plainly brought forward, the claims of the workers becoming more and more precise, and shaking the new *régime* of the *bourgeois*, whom egotistical and tyrannical possession was in their turn rotting. And now, on the

threshold of the new century, as soon as the spreading onrush of the masses should have carried the old social framework away, the reorganisation of labour would prove the very foundation-stone of future society, which would only be able to exist by a just apportionment of wealth. The violent crisis which had overthrown empires when the old world passed from servitude to the wage-system was as nothing compared with the terrible crisis which for the last hundred years had shaken and ravaged nations, that crisis of the wage-system passing through successive evolutions and transformations, and tending to become something else. And from that something else would be born the happy and brotherly social system of to-morrow.

Luc gently put down the little book and blew out his light. He had grown calmer now, and could feel that peaceful, restoring sleep was approaching. True, no precise answers had come to the urgent appeals which had previously upset him; but he heard those appeals no more. It was as if the disinherited beings who had raised them were now conscious that they had been heard, and were taking patience. Seed was sown and the harvest would rise. Luc himself was troubled with no more feverishness, he felt that his mind was pregnant with ideas, to which indeed it might give birth on the very morrow if his night's slumber should be good. And he ended by yielding to his great need of repose, and fell with delight into a deep sleep, visited by genius, faith, and will.

When he awoke at seven o'clock on the following morning his first thought on seeing the sun rise in the broad clear sky was to go out without warning the Jordans and climb the rocky stairway leading to the smeltery. He wished to see Morfain again, and obtain certain information from him. In this respect he was yielding to a sudden inspiration. With reference to the advice which Jordan had asked of him, he desired above all to arrive at some precise opinion respecting the old abandoned mine. The master-smelter, a son of the mountains, must know, he thought, every stone of it. And indeed Morfain, whom he found up and about, after his night spent beside the furnace, which decidedly had now recovered from its

ailment, became quite impassioned directly the mine was mentioned to him. He had always had an idea of his own, which nobody would heed, although he had often given expression to it. To his thinking, old Laroche, the engineer, had done wrong in despairing and forsaking the mine directly the working of it had failed to prove remunerative. The vein which had been followed had certainly become an abominable one, charged with sulphur and phosphates to such a degree that nothing good came out in the smelting. But Morfain was convinced that they were simply crossing a bad vein, and that it would be sufficient to carry the galleries further, or to open fresh ones at a point of the gorge which he designated, in order to find once more the same excellent ore as formerly. And he based his opinion upon observation, upon knowledge of all the rocks of the region, which he had scaled and explored for forty years. As he put it, he was not a man of science, he was only a poor toiler, and did not presume to compete with those gentlemen the engineers. Nevertheless he was astonished that no confidence was shown in his keen scent, and that his superiors should have simply shrugged their shoulders without consenting to test his predictions by a few borings.

The man's quiet confidence impressed Luc the more especially since he was inclined to pass a severe judgment on the inertia of old Laroche, who had left the mine in an abandoned state even after the discovery of the chemical process which would have allowed the defective ore to be profitably utilised. That alone showed into what slumberous routine the working of the furnace had fallen. The mine ought to be worked again immediately, even if they had to rest content with treating the ore chemically. But what would it be if Morfain's convictions should be realised, and they should again come upon rich and pure lodes! Thus Luc immediately accepted the master-smelter's proposal to take a stroll in the direction of the abandoned galleries, in order that the other might explain his ideas on the spot. That clear and fresh September morning, the walk among the rocks, through the lonely wilds fragrant with lavender, was delightful. During three hours the two men climbed up and

down the sides of the gorges, visiting the grottoes, following the pine-covered ridges where the rocks jutted up through the soil like portions of the skeleton of some huge buried monster. And by degrees Morfain's conviction gained upon Luc, bringing him at least a hope that there in that spot lay a treasure which man in his sloth had passed by, and which earth, the inexhaustible mother, was prepared to yield to those who might seek it.

As it was more than noon when the explorations terminated Luc accepted a proposal to lunch off eggs and milk up in the Bleuse Mountains. When about two o'clock he came down again, delighted, his lungs inflated by the free mountain air, the Jordans received him with exclamations, for not knowing what had become of him they had begun to grow anxious. He apologised for not having warned them, and related that he had lost his way among the tablelands, and had lunched with some peasants there. He ventured to tell this fib because the Jordans, whom he found still at table, were not alone. As was their custom every second Tuesday of the month, they had with them three guests, Abbé Marle, Doctor Novarre, and Hermeline, the schoolmaster, whom Sœurette delighted to gather together, laughingly calling them her privy councillors, because they all three helped her in her charitable works. The doors of La Crêcherie which were usually kept closed, Jordan living there in solitude like some cloistered scientist, were thrown open for those three visitors, who were treated as intimates. It could not be said, however, that they owed this favour to their cordial agreement, for they were perpetually disputing together. But, on the other hand, their discussions amused Sœurette, and indeed rendered her yet more partial to them, since they proved a distraction for Jordan, who listened to them smiling.

'So you have lunched?' said Sœurette, addressing Luc. 'Still, that won't prevent you from taking a cup of coffee with us, will it?'

'Oh! I'll accept the cup of coffee,' he answered gaily. 'You are too amiable—I deserve the bitterest reproaches.'

They then passed into the drawing-room. Its windows were open, the lawns of the park spread out, and all the exquisite aroma of the

great trees came into the house. In a horn-shaped porcelain vase bloomed a splendid bouquet of roses—roses which Doctor Novarre lovingly cultivated, and a bunch of which he brought for Sœurette each time that he lunched at La Crêcherie.

Whilst the coffee was being served a discussion on educational matters began afresh between the priest and the schoolmaster, who had not ceased battling on this subject since the beginning of the lunch.

'If you can do nothing with your pupils,' declared Abbé Marle, 'it is because you have driven religion out of your schools. God is the master of human intelligence; one knows nothing excepting through Him.'

Tall and sturdy, with his eagle beak set in a broad, full, regular face, the priest spoke with all the authoritative stubbornness born of his narrow doctrines, placing the only chance of the world's salvation in Catholicism, and the rigid observance of its dogmas. And, in front of him, Hermeline, the schoolmaster, slim of build and angular of face, with a bony forehead and pointed chin, evinced similar stubbornness, being quite as formalist and authoritative as the other in the practice of his own mechanical religion of progress, which last was to be arrived at by dint of laws and military discipline.

'Don't bother me,' said he, 'with your religion, which has never led men to aught but error and ruin. If I get nothing out of my pupils it is because, in the first place, they are taken from me too early, to be placed in the factories. And secondly, and more particularly, it is because there is less and less discipline, because the master is left without any authority. If a child is whipped nowadays the parents shriek like a pack of fools. But if I were only allowed to give those youngsters a few good canings I think I should open their minds a little.'

Then, as Sœurette, quite affected by this theory, began to protest, he explained his views. For him, given the general corruption, there was only one means of saving society, which was to subject the children to the discipline of liberty, insert belief in republican

principles in them by force, if necessary, and in such a manner that they should never lose it. His dream was to make each pupil a servant of the State, a slave of the State, one who sacrificed to the State his entire personality. And he could picture nothing beyond one and the same lesson, learnt by all in one and the same manner, with the one object of serving the community. Such was his harsh and doleful religion, a religion in which the democracy was delivered from the past by dint of punishments, and then again condemned to forced labour, happiness being decreed under penalty of being caned.

But Abbé Marle obstinately repeated: 'Outside the pale of Catholicism there is only darkness.'

'Why, Catholicism is toppling over!' exclaimed Hermeline. 'It's for that very reason that we have to raise another social framework.'

The priest, no doubt, was conscious of the supreme battle which Catholicism was waging against the spirit of science, whose victory spread day by day. But he would not acknowledge it; he did not even admit that his church was gradually emptying. 'Catholicism!' he resumed, 'its framework is still so solid, so eternal, so divine, that you copy it when you talk of raising I know not what atheistical State in which you would replace the Deity by some mechanical contrivance appointed to instruct and govern men!'

'Some mechanical contrivance, why not!' retorted Hermeline, exasperated by the touch of truth contained in the priest's attack. 'Rome has never been aught but a wine-press, pressing out the blood of the world!'

When their discussions reached this violent stage Doctor Novarre usually intervened in his smiling and conciliatory way. 'Come, come, don't get heated!' said he. 'You are on the point of agreeing, since you have got so far as to accuse one another of copying your religions one from the other.'

Short and spare, with a slender nose and keen eyes, the doctor was a man of a tolerant, gentle, but slightly sarcastic turn of mind, one who, having given himself to science, refused to let himself be

excited by political and social questions. Like Jordan, whose great friend he was, he often said that he only adopted truths when they had been scientifically demonstrated. Modest, timid, too, as he was, without any ambition, he contented himself with healing his patients to the best of his ability, and his only passion was for the rosebushes which he cultivated between the four walls of the garden of the little dwelling where he lived in happy peacefulness.

Luc had hitherto contented himself with listening. But at last he recalled what he had read the previous night, and he then spoke out: 'The terrible part of it,' said he, 'is that in our schools the starting-point is invariably the idea that man is an evil being, who brings into the world with him a spirit of rebellion and sloth, and that a perfect system of punishments and rewards is necessary if one is to get anything out of him. Thus education has been turned into torture, and study has become as repulsive to our brains as manual labour is to our limbs. Our professors have been turned into so many gaolers ruling a scholastic penitentiary, and the mission given to them is that of kneading the minds of children in accordance with certain fixed programmes, and running them all through one and the same mould, without taking any account of varying individualities. Thus the masters are no longer aught but the slayers of initiative; they crush all critical spirit, all free examination, all personal awakening of talent beneath a pile of ready-made ideas and official-truths, and the worst is that the characters of the children are affected quite as badly as their minds, and that the system of teaching employed produces in the long run little else but dolts and hypocrites.'

Hermeline must have fancied that he was being personally attacked, for he now broke in rather sharply: 'But how would you have one proceed then, monsieur? Come and take my place, and you will soon see how little you will get out of the pupils if you don't subject them one and all to the same discipline, like a master who for them is the embodiment of authority.'

'The master,' continued Luc with his dreamy air, 'should have no other duty than that of awakening energy and encouraging the

child's aptitude in one or another respect by provoking questions from him and enabling him to develop his personality. Deep in the human race there is an immense insatiable craving to learn and know, and this should be the one incentive to study without need of any rewards or punishments. It would evidently be sufficient if one contented oneself with giving each pupil facilities for prosecuting the particular studies that pleased him, and with rendering those studies attractive to him, allowing him to engage in them by himself, then progress in them by the force of his own understanding, with the continually recurring delight of making fresh discoveries. For men to make their offspring men by treating them as such, is not that the whole educational problem which has to be solved?'

Abbé Marle, who was finishing his coffee, shrugged his broad shoulders; and, like a priest whom dogma endowed with infallibility, he remarked: 'Sin is in man, and he can only be saved by penitence. Idleness, which is one of the capital sins, can only be redeemed by labour, the punishment which God imposed on the first man after the fall.'

'But that's an error, Abbé,' quietly said Doctor Novarre. 'Idleness is simply a malady when it really exists, that is, when the body refuses to work, shrinks from all fatigue. You may be certain then that this invincible languor is a sign of grave internal disorder. And apart from that, where have you ever seen idle people? Take those who are so-called idle people by race, habit, and taste. Does not a society lady, who dances all night at a ball, do greater harm to her eyesight and expend far more muscular energy than a workwoman who sits at her little table embroidering till daylight? Do not the men of pleasure, who are for ever figuring in public, taking part in exhausting festivities, work in their own way quite as hard as the men who toil at their benches and anvils? And remember how lightly and joyfully, on emerging from some repulsive task, we all rush into some violent amusement or exercise which tires out our limbs. The meaning of it all is that work is only oppressive when it does not please us. And if one could succeed in imposing on people only such



work as would be agreeable to them, as they might freely choose, there would certainly be no idlers left.'

But Hermeline in his turn shrugged his shoulders, saying: 'Ask a child which he prefers, his grammar or his arithmetic. He will tell you that he prefers neither. The whole question has been threshed out; a child is a sapling which needs to be trained straight and corrected.'

'And one can only correct,' said the priest, this time in full agreement with the schoolmaster, 'by crushing everything in any way shameful or diabolic that original sin has left in man.'

Silence fell. Soeurette had been listening intently, whilst Jordan, looking out through one of the windows, let his glance stray thoughtfully under the big trees. In the words of the priest and the schoolmaster Luc recognised the pessimist conceptions of Catholicism adopted by the sectarian followers of progress, which the State was to decree by exercise of authority. Man was regarded as a child ever in fault. His passions were hunted down: for centuries efforts had been made to crush them, to kill the man which was within man. And then again, Luc recalled Fourier, who had preached quite another doctrine: the passions, utilised and ennobled, becoming necessary creative energies, whilst man was at last delivered from the deadly weight of the religions of nothingness, which are merely so many hateful social police systems devised to maintain the usurpation of the powerful and the rich.

And Luc, as though reflecting aloud, thereupon resumed, 'It would be sufficient to convince people of this truth, that the greater the happiness realised for all, the greater will be the happiness of the individual.'

But Hermeline and Abbé Marle began to laugh.

'That's no use!' said the schoolmaster. 'To awaken energy, you begin by destroying personal interest. Pray explain to me what motive will prompt man to action when he no longer works for himself? Personal interest is like the fire under the boiler, it will be found at the outset of all work. But you would crush it, and although you desire man to retain all his instincts you begin by depriving him

of his egotism. Perhaps you rely on conscience, on the idea of honour and duty?'

'I don't need to rely on that,' Luc answered in the same quiet way. 'Truth to tell, egotism, such as we have hitherto understood it, has given us such a frightful social system, instinct with so much hatred and suffering, that it would really be allowable to try some other factor. But I repeat that I accept egotism if by such you mean the very legitimate desire, the invincible craving, which each man has for happiness. Far from destroying personal interest, I would strengthen it by making it what it ought to be in order to bring about the happy community in which the happiness of each will be the outcome of the happiness of all. Besides, it is sufficient that we should be convinced that in working for others we are working for ourselves. Social injustice sows eternal hatred, and universal suffering is the crop. For those reasons an agreement must be arrived at for the reorganisation of work based upon the certainty that our own highest felicity will some day be the result of felicity in the homes of our neighbours.'

Hermeline sneered, and Abbé Marle again broke in: "'Love one another," that is the teaching of our Divine Master. Only He also said that happiness was not of this world, and it is assuredly guilty madness to attempt to set the Kingdom of God upon this earth when it is in heaven.'

'Yet that will some day be done,' Luc retorted. 'The whole effort of mankind upon its march, all progress and all science, tend to that future city of happiness.'

But the schoolmaster, who was no longer listening, eagerly assailed the priest: 'Ah! no, Abbé, don't begin again with your promises of a celestial paradise; they are only fit to dupe the poor. And besides, Jesus of Nazareth really belongs to us; you stole Him from us, and arranged His sayings and everything else in order to suit the purposes of your domination. As a matter of fact, He was simply a revolutionary and a free-thinker!'

Thus the battle began anew, and Doctor Novarre had to calm them once more by showing that one was right in certain respects and the other in others. As usual, however, the various questions which had been debated remained in suspense, for no final solution was ever arrived at. The coffee had been drunk long since, and it was Jordan who, in his thoughtful manner, put in the last word.

'The one sole truth,' said he, 'lies in Work; the world will some day become such as Work will make it.'

Then Sœurette, who, without intervening, had listened to Luc with passionate interest, spoke of a refuge which she thought of establishing for the infant children of factory women. From that moment the doctor, schoolmaster, and priest engaged in quiet and friendly conversation as to how this asylum might best be organised, and the abuses of similar establishments avoided. And, meantime, the shadows of the great trees lengthened over the lawns of the park, and the wood-pigeons flew down to the grass in the golden September sunshine.

It was already four o'clock when the three guests quitted La Crêcherie. Jordan and Luc, for the sake of a little exercise, accompanied them as far as the first houses of the town. Then, on their way back across some stony fields which Jordan left uncultivated, the latter suggested that they should extend their stroll a little in order to call upon Lange the potter. Jordan had allowed him to instal himself in a wild nook of his estate below the smeltery, asking no rent or other payment from him. And Lange, like Morfain, had made himself a dwelling in a rocky cavity which some of the old torrents rushing past the lower part of the Bleuse Mountains had excavated in the gigantic wall formed by the promontory. Moreover, he had ended by constructing three kilns near the slope whence he took his clay; and he lived there without God or master amidst all the free independence of his work.

'No doubt he's a man of extreme views,' added Jordan, in answer to a question from Luc, who felt greatly interested in Lange. 'What you told me about his violent outburst in the Rue de Brias the other evening did not surprise me. He was lucky in getting released, for

the affair might have turned out very badly for him. But you have no notion how intelligent he is, and what art he puts into his simple earthen pots, although he has virtually had no education. He was born hereabouts, and his parents were poor workpeople. Left an orphan at ten years of age, he worked as a mason's help, then as an apprentice potter, and now, since I've allowed him to settle on my land, he is his own employer, as he laughingly puts it.... I am the more particularly interested in some attempts he is making with refractory clay, for, as you know, I want to find the clay best suited to resist the terrible temperature of my electrical furnaces.'

At last, on looking up, Luc perceived Lange's dwelling-place among the bushes. Faced by a little parapet of dry stones, it suggested a barbarian camp. And as the young man saw a tall, shapely, dark-oomplexioned girl erect upon the threshold he inquired: 'Is Lange married, then?'

'No,' replied Jordan, 'but he lives with that girl, who is both his slave and his wife. It is quite a romance. Five years ago, when she was barely fifteen, he found her lying in a ditch, very ill, half dead in fact, abandoned there by some band of gypsies. Nobody has ever known exactly where she came from; she herself won't answer when she's questioned. Well, Lange carried her home upon his shoulders, nursed her and cured her, and you can't imagine the ardent gratitude that she has always shown him since. She lacked even shoes for her feet when he found her. Even to-day she seldom puts any on, unless indeed she is going down into the town; in such wise that the whole district and even Lange himself call her 'Barefeet.' She is the only person that he employs, she helps him with his work and even in dragging his barrow when he goes about the fairs to sell his pottery, for that is his way of disposing of his goods, which are well known throughout the region.'

Erect on the threshold of the little enclosure, which had a gate of open fencing, Barefeet watched the gentlemen approach, and thus Luc on his side was well able to examine her with her dark regular-featured face, her hair black as ink, and her large wild eyes, which became full of ineffable tenderness whenever they turned upon

Lange. The young man also remarked her bare feet, childish feet, of a light bronze hue, resting in the clayey soil, which was always damp. And she stood there in working costume, that is, barely clad in garments of grey linen, and showing her shapely legs and muscular arms. When she had come to the conclusion that the gentleman accompanying the owner of the estate was a friend, she quitted her post of observation, and, after warning Lange, returned to the kiln which she had previously been watching.

'Ah! it's you, Monsieur Jordan,' exclaimed Lange, in his turn presenting himself. 'Do you know that since that affair the other evening Barefeet is for ever imagining that people are coming to arrest me. I fancy that if any policeman should present himself here he would not escape whole from her clutches.... You have come to see my last refractory bricks, eh? Well, here they are—I'll tell you the composition.'

Luc readily recognised the knotty little man, of whom he had caught a glimpse amidst the gloom of the Rue de Brias whilst he was announcing the inevitable catastrophe, and cursing that corrupt town of Beauclair, whose crimes had condemned it. Only, as he now scrutinised him in detail, he was surprised by the loftiness of his brow, over which fell a dark tangle of hair, and the keenness of his eyes, which glittered with intelligence, and at times flared up with anger. Most of all, however, the young fellow was surprised at divining beneath a rugged exterior and apparent violence a man of contemplative nature, a gentle dreamer, a simple rustic poet, who, urged on by his absolute ideas of justice, had finally come to the point of desiring to annihilate the old and guilty world.

After introducing Luc as an engineer, a friend of his, Jordan asked Lange with a laugh to show the young man what he called his museum.

'Oh! if it can interest the gentleman, willingly,' said Lange; 'they are merely things which I fire for amusement's sake—there, all that pottery under the shed. You may give it all a glance, monsieur, while I explain my bricks to Monsieur Jordan.'

Luc's astonishment increased. Under the shed he found a number of faïence figures, vases, pots, and dishes of the strangest shapes and colours, which, whilst denoting great ignorance on the maker's part, were yet delightful in their original *naïveté*. The firings had at times yielded some superb results; much of the enamel displayed a wondrous richness of tone. But what particularly struck the young man among the current pottery which Lange prepared for his usual customers at the markets and fairs, the crockery, the stock-pots, the pitchers and basins, was the elegance of shape and charm of colour which showed forth like some florescence of the popular genius. It seemed indeed as if the potter had derived his talent from his race, that those creations of his, instinct with the soul of the masses, sprang naturally from his big fingers, as though in fact he had intuitively rediscovered the primitive models, so full of practical beauty.

When Lange came back with Jordan, who had ordered of him a few hundred bricks with which it was intended to try a new electrical furnace, he received with a smile the congratulations tendered him by Luc, who marvelled at the gaiety of the faïences, which looked so bright, so flowery with purple and azure, in the broad sunlight.

'Yes, yes,' said the potter, 'they set a few poppies and cornflowers, as it were, in people's houses. I've always thought that roofs and house-fronts ought to be decorated in that style. It would not cost very much, if the tradesmen would only leave off thieving; and you'd see, too, how pleasant a town would look—quite like a nosegay set in greenery. But there's nothing to be done with the dirty *bourgeois* of nowadays!'

Then he at once lapsed into his sectarian passion, plunged into the ideas of Anarchy which he had derived from a few pamphlets that by some chance had fallen into his hands. First of all one had to destroy everything, seize everything in revolutionary style. Salvation would only be obtained by the annihilation of all authority, for if any, even the most insignificant, remained standing, it would suffice for the reconstruction of the whole edifice of iniquity and tyranny. Next the free commune, without any government whatever, might be

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